

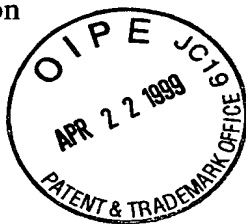
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APR 27 1999

TECHNOLOGY CENTER 3700

In Re Application : Michael J. Sullivan  
For : **IMPROVED MULTI-LAYER GOLF BALL**  
Serial No. : 08/714,661  
Filed : September 16, 1996  
Examiner : M. Graham  
Art Unit : 3711  
Last Office Action : February 1, 1999  
Attorney Docket No. : SLD 2 035-1-2



Cleveland, Ohio 44114-2518

**DECLARATION UNDER 37 C.F.R. §1.131**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

As a person signing below:

I, Michael J. Sullivan, do hereby declare and say that I am the inventor of the subject matter of the claims of the above-identified United States patent application. The claims in said application have been rejected by the U.S. Patent Office under 35 U.S.C. § 103 over U.S. Patent No. 5,314,187 to Proudfit, alone or in combination with Nakamura (U.S. Patent No. 5,068,151).

I have read and am familiar with the position of the U.S. Patent Office set forth in the Office Actions of July 10, 1998 and February 1, 1999 rejecting the claims of the present application. I have further read and am familiar with the Proudfit patent (U.S. Patent No. 5,314,187) over which said claims have been rejected. Proudfit was filed on June 29, 1992 and issued on May 24, 1994.

I declare that at a date prior to June 29, 1992, the effective filing date for the subject matter of Proudfit relied upon by the Examiner in the outstanding Office Action, the invention disclosed in the present application was completed in this country. In this regard, I have

attached hereto copies of data reproduced from my laboratory notes (dates omitted), and other technical data material which establishes the completion of the invention prior to June 29, 1992. As can be seen from the attached data, Table 1 corresponds to Table 7 of the present application and Table 2 corresponds to data present in Table 8 of the present application. I hereby declare that, although the dates have been deleted, the attached evidentiary materials were prepared prior to June 29, 1992.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Michael J. Sullivan  
Michael J. Sullivan

April 13, 1999  
(Date)

*Evidence of*



8

Table 1

<u>544-</u>	<u>A</u> <u>61-1</u>	<u>B</u> <u>61-2</u>	<u>C</u> <u>61-3</u>	<u>D</u> <u>61-4</u>	<u>E</u> <u>61-5</u>
Iotek EX-959	50	50	--	--	--
Iotek EX-960	50	50	--	--	--
Zinc Stearate	--	50	--	--	--
Surlyn 8162	--	--	75	--	--
Surlyn 8422	--	--	25	--	--
Surlyn 1605	--	--	--	100	--
Iotek 7030	--	--	--	--	50
Iotek 8000	--	--	--	--	50
Compression	58	58	60	63	62
COR	.811	.810	.807	.793	.801
Shore C Hardness	98	98	97	96	96
Spin Rate (RPM)*	7,367	6,250	7,903	8,337	7,956
Cut Resistance	4-5	4-5	4-5	4-5	4-5

\* Note: Test performed with a Tour Edition #9 iron and a club head speed of 105 fps.

Michael J. Sullivan  
[REDACTED]



Table 2

544-84	-1	-2	-3	-4	-5
<u>"Core" Type</u>	<u>61-1</u>	<u>61-2</u>	<u>61-3</u>	<u>61-4</u>	<u>61-5</u>
Cover *	TE-90	TE-90	TE-90	TE-90	TE-90
Compression	63	63	69	70	62
COR	.784	.778	.780	.770	.779
Shore C Hardness	88	88	88	88	88
Spin (RPM)	8,825	8,854	8,814	8,990	8,844
Cut Resistance	3-4	3-4	3-4	3-4	3-4

544-84	-6	-7	-8
<u>"Core" Type</u>	<u>61-1</u>	<u>61-5</u>	<u>61-4</u>
Cover	PU	PU	9020
Compression	67	69	61
COR	.774	.772	.757
Shore C Hardness	74	73	89
Spin (RPM)	10,061	10,637	8,846
Cut Resistance	3-4	3-4	1-2

- \* A) PU is B.F.Goodrich Polyester Polyurethane X-4517  
B) TE-90 is 22.7 wt-% Iotek 8000; 22.7 wt-% Iotek 7030;  
45.0 wt-% Iotek 7520; 9.6 wt-% White MB  
C) 9020 is Surlyn 9020

Michael J. Sullivan